

Uniform Foster Care Rate Setting Policy



Division of Safety and Permanence

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Uniform Foster Care Rate Policy

Purpose

The Uniform Foster Care Rate for Wisconsin's foster care programs was established in accordance with s. 48.62(4) Stats., to provide consistency in foster care payments. The basic maintenance rates are designed to meet the maintenance needs of the child and are intended to provide for the basic costs of raising a foster child (i.e., food, shelter, basic transportation, personal and recreational needs, clothing). Foster children who require more than the usual care and supervision may receive a supplemental or exceptional rate payment based on the needs of the child.

For purposes of this policy, the terms "foster child," "foster home," "foster parent," and "foster care" relate to licensed family foster homes and family-operated group homes.

Applicability

This policy applies to children in foster care placed by agencies who have "Placement and Care Responsibility." The agency refers to either a county agency or the department.

This does not apply to a child placed or to be placed into a foster home that is licensed solely for the purpose of adoption of a domestic infant under s. 48.837, Stats., or a foreign child under s. 48.839 or 48.97, Stats. Agencies must assure all actions of either agency or contracted provider staff comply with this policy.

Definitions

The four components of the Uniform Foster Care Rate are defined as follows:

Initial Clothing Allowance: an allowance for the actual cost of clothing needed by a child upon initial entry into foster care. The allowance may not exceed the maximum amount specified for the child's age. The placement of a child in foster care 120 days or more after the child has been removed from out-of-home care shall be considered to be an initial placement. The maximum rates are established by the Department by this policy.

Basic Maintenance Rate: a fixed monthly payment for the usual and customary costs incurred in caring for a foster child (including food, clothing, shelter, personal care, transportation, recreation) as determined for Level 1 foster parents by the certification of the provider or by the age of the child. These rates are established biennially by the Wisconsin Legislature.

Supplemental Rate: an additional monthly payment intended to cover the costs of caring for a child whose needs exceed normal limits of care and supervision for that child's age. The descriptors (i.e., criteria) are established by the Department by administrative rule. The funding levels associated with these descriptors are established by the Department by this policy.

Exceptional Rate: an additional monthly payment for caring for a child whose needs may be so extreme that the basic maintenance and supplemental payments do not provide sufficient funding to ensure the child's care in the foster home and to prevent placement in a more restrictive setting. The criteria are established by the Department by administrative rule. The funding level associated with these criteria is indirectly established by the Department by this policy through the establishment of a maximum monthly foster care payment.

Team: is the group appointed by the placing and supervising agencies to assess a child, develop and implement the case and permanency plans, and evaluate the child's progress for a child this includes members of the placing, supervising, licensing and tribal agencies involved.

I. ELIGIBILITY

- Uniform foster care rates shall be determined for all foster children whose cost of care is paid directly to foster parents by a County Department of Social or Human Services, the Department of Children and Families, or a private Child Placing Agency under contract with a public agency.
- If the agency providing services to a child placed in foster care is different than the agency having "placement and care responsibility," the providing agency, using the criteria set forth in this policy, shall recommend the rate to be paid by the financially responsible agency. A County Department of Social Services, which is the designated providing agency for the 51.42/51.437 Board, shall determine the payment amount using the Uniform Foster Care Rate criteria consistent with the process outlined in Ch. DCF 56.16(2) (c).
- All the components of the Uniform Foster Care Rate are designed to maintain the child in the foster home and **do not** include service payments to foster parents or licensed child placing agencies. Agencies may enter into purchase of service contracts for services or bed holding costs with individual foster care providers. Such expenses shall not be reported as foster care costs.
- Section 48.62(2), Stats, allows relatives to apply for a foster care license. The agency shall license the relative as a foster parent if the requirements of Ch. DCF 56, Adm. Code, are met. The agency **is not** required to provide a foster care payment unless the child is in out-of-home care under a court order with "placement and care responsibilities."
- Payments made on behalf of children placed in institutions, residential care centers, shelter care facilities or incorporated group homes are **not** covered by the provisions of the Uniform Foster Care Rate Policy.
- Each foster parent shall be provided with current information regarding the Uniform Foster Care Rate Policy at the time of licensure, when a child is placed and when a rate change occurs. A brochure entitled, "Understanding the Uniform Foster Care Rate" is available for distribution to foster parents and will meet the requirement under this provision. The brochure is available on the internet at).
http://dcf.wisconsin.gov/publications/pdf/dcf_p_pfs0142.pdf or from Document Sales (for information on ordering DCF forms and publications, see the Division of Safety and Permanence Info Memo 2009-03 at <http://dcf.wisconsin.gov/memos/infomemos/DSP/2009/2009-03.pdf>

II. INITIAL CLOTHING ALLOWANCE

An initial clothing allowance, in the amount of the actual cost but not exceeding established maximums, may be paid for children initially entering foster care without sufficient clothing.

The amount of the initial clothing allowance shall be the actual cost of the clothing not to exceed the maximums listed below.

If a child is placed in foster care 120 days or more after a previous out-of-home care placement episode was terminated, the placement shall be considered an initial placement for the purposes of eligibility for an initial clothing allowance.

A child who re-enters foster care within 120 days whose clothing allowance has not been exhausted may use the remaining balance.

The current maximum rates are:

Age Group	Clothing Allowance
0-4	Up to \$225
5-11	Up to \$263
12-14	Up to \$300
15-18	Up to \$300

III. BASIC MAINTENANCE RATES

The basic maintenance rate for children is statutorily set by the Legislature and published by the department. The “Understanding the Uniform Foster Care Rate” brochure provides current basic maintenance rates for children placed with foster parents certified at a Level 1 and for those placed with providers above Level 1 in the following age categories: Birth to 4; 5-11; 12-14; and 15 and older.

III. A. Changes to the Basic Maintenance Rate for a Child’s Birthday

When a child in foster care attains the age of 5, 12 and 15, the agency shall authorize the next higher basic maintenance rate effective on the date on which the birthday occurs.

This procedure is automated and reflected in eWiSACWIS and will create and prorate the payment to the foster parent based on the child’s birthday.

IV. SUPPLEMENTAL RATE

A **supplemental rate** payment for a foster child is determined using the *criteria* established at Ch. DCF 56.23, Admin. Code. through the use of the Child and Adolescent Needs and Strengths (CANS) tool, the calculation of the child's Level of Need, and the providers' Level of Certification.

IV. A. Child's Identified Needs and Strengths

The agency with "placement and care responsibility" for a child placed in foster care shall determine a child's identified needs and strengths through the use of the CANS tool. Before administering the CANS tool the person who administers the tool shall first do all of the following:

1. Review the case record.
2. Interview or collect information from an individual who has interviewed the child, child's family, foster parent or other out-of-home care provider, the child's team or treatment team, and the licensing agency.
3. Review information gathered in collaboration with the child's team or treatment team and the licensing agency.

An individual performing the assessment shall be trained and certified in the use of the department's standardized assessment tool. The assessment requires a certified CANS user to complete a CANS assessment of the information obtained about the child. (See Appendix A for the CANS tool and glossary) Re-certification to complete the assessment process must be completed on an annual basis.

The agency shall use the CANS assessment to determine whether or not a foster child qualifies for a supplemental rate payment. The identified needs and strengths rated a '2' or '3' shall be used to calculate this portion of the supplemental payment.

See Appendix B for which items in the CANS tool are specifically used to calculate the child's assessed needs and strengths for the Supplemental Rate.

In using the CANS tool, the assessor must:

- Determine if the child exhibits characteristics described as a 2 or 3 in **one or more** of the following domains: trauma; life functioning; school; acculturation; behavioral / emotional needs; or risk behaviors.
- Determine the appropriate level within each applicable domain. The three levels are: basic; moderate; and intensive. In order for a rating to be above basic, characteristics exhibited must be inappropriate for what is deemed developmentally age appropriate for a child who is of a similar age.
- Determine ratings for each item within the domains listed in the "Point Distribution Table" below.

- Assign points only once for each item in each domain (e.g., points cannot be given at both the “moderate” and “intensive” level for any one item within a domain).
- Calculate the child’s identified needs and strengths Supplemental Points based on adding the items rated a 2 or 3 on the domains listed in the “Point Distribution Table.” The sum is then multiplied by \$8.00 to determine the child’s portion of the Supplemental payment. The calculation of the supplemental points and the subsequent rate will be automated for all placements that exist in eWiSACWIS.

Point Distribution Table

		<u>Basic</u>	<u>Moderate</u>	<u>Intensive</u>	Total Items Rated 0-5 years	Total Items Rated 5 – 17 years
CANS RATING		0-1	2	3		
CANS DOMAIN						
	Trauma	0-1	2	3	5	5
	Life Domain Functioning	0-1	2	3	30	37
	School	0-1	2	3	7	4
	Acculturation	0-1	2	3	1	1
	Behavioral / Emotional	0-1	2	3	7	11
	Risk Behaviors	0-1	2	3	8	18
	Strengths	0-1	2	3	8	17
TOTAL					66	93
Maximum Points					198	279

IV. B. Providers Level of Care / Child's assessed Level of Need Value

When the providers' Level of Care (LOC) Certification for Level of 3 or 4 exceeds a child's assessed Level of Need (LON) (Appendix C), an LOC/LON value of \$100.00 will be added to the supplemental portion of the foster care rate.

IV. C. Total Supplemental Rate

The total value of the Supplemental Rate is determined by adding the child's identified needs and strengths to the LOC/LON value.

V. EXCEPTIONAL RATE

The placing agency may determine the frequency and amount of an exceptional payment necessary to meet one or more of the purposes listed below, provided no total monthly payment to the foster parent exceeds the \$2,000.00 maximum amount determined by the department in this policy. Exceptional costs are those costs that are above and beyond what is covered by the Basic and Supplemental portions of the foster care rate.

The exceptional payment may be made for time-limited durations or for the average monthly costs. Any use of an exceptional payment must be accompanied by a justification by the rate setter of the costs and what it is to be used for.

An **exceptional rate** payment may be provided on behalf of a foster child only if at least one of the following situations exists:

- The payment will enable the child to be placed or remain in a foster home instead of being placed or remaining in a more restrictive setting.
 - When considering this section, the following areas should be considered and its intensity level, this is not an exhaustive list:
 - Activities the foster parent is expected to participate in for or with the foster child including, but not limited to:
 - Specialized activities to support the needs of the child.
 - Loss of work hours / losing sleep at night due to the child's needs.
 - Increased frequency and interaction with the school (weekly or more).
 - Transportation for family interaction, court events, or agency related activities that are greater than 30 miles.
 - Level of supervision the child needs
 - Examples include stepping down from residential care, children with multiple previous placements, etc.
 - Specialized trainings / care knowledge, outside of licensing requirements the foster parent is expected to know and be able to complete such as shared parenting assisting with family interaction.

- Administration and supervision of medication that require specialized training.
- Increase in laundry or cleaning materials due to child's specialized needs.
- Specialized foods to meet a child's dietary needs (i.e. gluten free products, supplements, or cultural needs).
- Property destruction (it should be noted that if this is included in the foster care rate, then the foster parent may not seek a claim through the Foster Parent Insurance Program for damage that is foreseen/expected and included in the foster care rate).
- Incidentals for the child not covered under the basic maintenance or the supplemental payments such as costs related to allow the child to attend a camp, participate in sports, etc.
- Child care costs not covered by Wisconsin Shares (Shares) under the following circumstances:
 - The foster parent must have applied for and been denied Shares or the amount approved by Shares does not cover the costs to the foster parent. In the instance where Shares does not cover the full costs only the difference between what Shares will cover and the costs from the Child care provider may be covered.
 - The foster parent was unable to identify a child care provider with a YoungStar rating of 3 or more stars within reasonable vicinity relative to their home or place of employment; or there are no openings available with a provider with a higher YoungStar rating.
 - For new placements only, the child care costs differences between a YoungStar rating of 2 may be included for up to 3 months to allow the foster parent time to enroll with a provider with a higher YoungStar rating.
 - Child care costs shall not be included in the exceptional rate if the foster parent chooses to use a child care provider with a YoungStar rating of 1 or 2 and there are providers with a YoungStar rating of 3 or higher available. Child care costs to a provider with a YoungStar rating of 1 or to an unrated provider shall not be included in the exceptional rate.
- The payment will enable the placement of siblings or minor parent and minor children together.
 - Typically a \$100 payment is added to each sibling's rate when placed in the same home.
 - For minor parents placed with their minor children who are not on their own court order, the basic rate for the minor child if that child were placed in foster care shall be added to the minor parents foster care rate to provide for the needs of the minor child.

- The payment will assist with transportation to the school the child was attending prior to placement in out-of-home care.
 - To promote the educational stability of children in foster care, agencies may provide payments for costs associated with transporting a child to and from the school the child was enrolled in (school of origin) at the time of placement into out-of-home care. This cost shall be documented under the Exceptional Payments under Transportation to School of Origin. Only reimbursement made to foster parents shall be claimed here.
 - To qualify, the transportation shall be out of the foster parent's normal route and longer than would normally be expected for a prudent parent to travel to take a child to school, such as a distance greater than 20 miles each way. The agency shall use the average monthly miles multiplied by the agencies transportation rate for foster parents to determine the amount to be included.
- To replace a child's basic wardrobe that has been lost or destroyed in a manner other than normal wear and tear.
 - An as-needed exceptional rate payment for wardrobe replacement is appropriate for reasons such as sudden growth spurts that are not equated with average growth of the child. For children with special circumstances that result in unusual wear and tear of clothing (such as those wearing prosthesis) those circumstances are taken into account in the supplemental rate, therefore agencies should not build in an additional amount for clothing into the exceptional rate.
- For a child placed in a foster home before February 21, 2011, and who remains placed in that foster home, equalize the total payment amount lost by the child's foster parent due to implementation of the method of determining supplemental payments listed in section IV. of this policy.
 - All children placed in any foster home prior to February 21, 2011 shall continue at the same total foster care rate for the duration of that child's placement with that provider. Level 1 or 2 foster homes who become certified as a Level 3 or 4 home or any foster parent who becomes licensed by a different licensing agency and who has continually cared for a child in their home that was placed prior to February 21, 2011 shall continue at the rate they were eligible for at that time and was previously justified, unless the child's needs necessitate a higher rate.
 - This portion of the rate may decrease if the child's needs change significantly.
 - This rate does not follow the child if the child moves to a new placement. If a child moves the rate shall be established according to this policy based on the foster parent the child is placed with and the child's assessed needs.

While it would be somewhat unusual, there is nothing to prohibit a child from receiving an exceptional payment without also receiving a supplemental payment.

VI. TOTAL UNIFORM FOSTER CARE RATE

The Uniform Foster Care Rate is the total of the basic maintenance, supplemental, and exceptional rates.

The total foster care payment (including the basic maintenance, supplemental and exceptional rates) shall not exceed \$2,000 per month per child. Any costs that exceeds this limit shall be documented under “Costs > Spending Limit” in eWiSACWIS and are not IV-E reimbursable. Any payment for a placement that is less than a full calendar month shall be pro-rated based on the actual numbers of days in that month.

Example:

A child is 15 years old and has characteristics that result in actionable items for the domains rated in supplemental rates. In addition, it is determined that the foster parent should receive an exceptional rate payment because of placement of siblings together and to provide placement to enable the child to live in the least restrictive environment. In numerical terms this example is expressed on the next page:

Basic Maintenance Rate:	\$475
+	
Supplemental Rate:	\$700
• Child’s Assessed Needs (75 points x \$8.00=\$600)	
• Child LON/Provider LOC (\$100)	
+	
Exceptional Rate:	\$250
• Transportation to School of Origin (\$50)	
• Siblings and least restrictive (\$200)	
<hr/>	
Total Uniform Foster Care Rate:	\$1,425

VII. INITIAL DETERMINATION AND RE-DETERMINATION

The initial determination of the child’s Level of Need and value of supplemental points shall be made within 30 days of the child’s placement in a foster home and no less frequently than every 6 months thereafter.

A foster parent or a private child placing agency on behalf of a foster parent may request a redetermination

at any time by providing a description and evidence of changes to the child's condition or needs.

A description of the child's condition, justification for any supplemental or exceptional rate payment recommendation and the recommended rate must be submitted to the designated agency rate setter for approval in eWiSACWIS. This information shall also be placed in the child's case record. Documentation in eWiSACWIS of the information shall be considered documented in the child's record.

Supplemental and exceptional rate payments must be based on the child's current situation. As such, it is always possible and probable that the rates could increase or decrease as the result of a determination. If approved the supplemental or exceptional rate payment shall be made from the agency's foster care account. All supplemental or exceptional rate payments shall be made to the foster parent for the care of the child.

VIII. AGENCY RATE SETTER RESPONSIBILITY

Each agency shall designate a person to determine supplemental and exceptional rates for foster children. The rate setting function shall be performed by an administrator, supervisor or advanced social work practitioner. The designated rate setter shall not have an active foster care caseload.

When a child is placed with a licensing agency that is different than the placing agency, such as a private child placing agency or another county agency, then the rate setter shall allow the licensing agency of the foster parent to participate in the determination of supplemental and exceptional payments as required under Ch. DCF 56.16(2) (c) by allowing the licensing agency to:

- Review the payment amount that a placing agency is proposing for a child's placement and discuss the child's needs with the placing agency.
- Inform a prospective foster parent of the placing agency's proposed payment amount.
- Recommend any modifications to the payment amount that the placing agency has proposed.
- Participate with the placing agency, foster parent, and treatment team members in the redetermination of the payment amount following a reassessment.
- At a foster parent's request, assist a foster parent in resolving a disagreement between the foster parent and the placing agency regarding a payment amount before the foster parent requests a fair hearing.

The rate setter, after reviewing the recommendation and documentation submitted by the child's caseworker, and if applicable the licensing agency, shall approve, deny or modify the uniform foster care rate payments according to this policy.

IX. FAIR HEARING

The foster parent has the right to request a fair hearing if he or she disagrees with the result of a determination or redetermination. The procedures for requesting a fair hearing are described at s. DCF 56.10, Adm. Code.

X. UNALLOWABLE COSTS FOR SERVICES OR OTHER PAYMENT SOURCES

The Department and County Departments of Social and Human Services may not make any payments for maintenance items in addition to the basic maintenance, supplemental and exceptional rate payments and the initial clothing allowance.

Agencies may not include the following in the foster care rate:

- Services, such as respite care,
- Medicaid reimbursable services that should be covered through Medicaid, such as medical equipment, transportation to medical / therapeutic appoints, etc.
- Medical services not covered by Medicaid such as therapies.
- Periodic clothing allowances, other than those described in this policy
 - An amount for clothing is included in the initial clothing allowance, the basic maintenance rate and, possibly, the supplemental or exceptional rate. Any additional payment for clothing would be considered a duplicate payment and subject to financial disallowance.

As stated above, respite care should not be included in the foster care rate for the child because it is a service to the foster parents. Child welfare agencies can make payments to foster parents to purchase their own respite care or agencies can pay the respite care provider directly. Under either payment method, the respite care payment is a service payment and not a foster care maintenance payment.

Foster care maintenance payments are not reportable as taxable income. Service payments, however, are reportable as taxable income. If the child welfare agencies make more than \$600 annually in payments to a provider for respite care, the agencies have to issue a 1099 form. The 1099 form should go to the respite care provider that provided the service. If the child welfare agency is paying the foster parent who in turn pays the respite care provider, the agency should track the providers of respite care so the 1099 form can be issued to the appropriate respite care provider(s). The agency should also issue a letter to the foster parent so if there are any tax questions about whether the respite care payments need to be included in the foster parent's income, the foster parent has a letter to show the tax authorities.

ADOPTION ASSISTANCE

XI. SUPPLEMENTAL RATE FOR ADOPTION ASSISTANCE

For an adoption assistance agreement under Ch. DCF 50 entered into on or after February 21, 2011, the child has a total of 5 or more needs that have been identified as moderate or intensive in the areas listed in s. DCF 56.23 (2) (a) 1. a. to e. in the rate schedule under s. DCF 56.23 (2) (a) as determined through the use of the Child and Adolescent Needs and Strengths tool.

XI. A. Child's Identified Needs

The agency with "placement and care responsibility" for a child for whom an adoption assistance agreement is being entered into shall determine a child's identified needs through the use of the CANS tool. Before administering the CANS tool the person who administers the tool shall first do all of the following:

1. Review the case record.
2. Interview or collect information from an individual who has interviewed the child, child's family, proposed adoptive parent or other out-of-home care provider, and the child's team or treatment team.
3. Review information gathered in collaboration with the child's team or treatment team.

An individual performing the assessment shall be trained and certified in the use of the department's standardized assessment tool. The assessment requires a certified CANS user to complete a CANS assessment of the information obtained about the child. (See Appendix A for the CANS tool and glossary) Re-certification to complete the assessment process must be completed on an annual basis.

The agency shall use the CANS assessment to determine whether or not a child qualifies for a supplemental rate payment. There must be 5 or more identified needs, rated a '2' or '3', that shall be used to calculate this portion of the supplemental payment.

See Appendix D for which items in the CANS tool are specifically used to calculate the child's assessed needs for the Supplemental Rate for an adoption assistance agreement / amendment for a child whose original agreement is entered into on or after February 21, 2011.

In using the CANS tool, the assessor must:

- Determine if the child exhibits characteristics described as a 2 or 3 in **one or more** of the following domains: trauma; life functioning; school; acculturation; behavioral / emotional needs; or risk behaviors.
- Determine the appropriate level within each applicable domain. The three levels are: basic; moderate; and intensive. In order for a rating to be above basic, characteristics exhibited must be inappropriate for what is deemed developmentally age appropriate for a child who is of a similar age.
- Determine ratings for each item within the domains listed in the "Point Distribution Table" below.

- Assign points only once for each item in each domain (e.g., points cannot be given at both the “moderate” and “intensive” level for any one item within a domain).
- Calculate the child’s identified needs Supplemental Points based on adding the items rated a 2 or 3 on the domains listed in the “Point Distribution Table.” The sum is then multiplied by \$8.00 to determine the child’s portion of the Supplemental payment.

	<u>Basic</u>	<u>Moderate</u>	<u>Intensive</u>	Total Items Rated 0-5 years	Total Items Rated 5 – 17 years
CANS RATING	0-1	2	3		
CANS DOMAIN					
Trauma	0-1	2	3	5	5
Life Domain Functioning	0-1	2	3	28	31
School	0-1	2	3	7	4
Behavioral / Emotional	0-1	2	3	7	11
Risk Behaviors	0-1	2	3	6	18
TOTAL				53	69
Maximum Points				159	207

XI. B. Adoption Agreement Amendments

1. For amendments to adoption agreements entered into prior to February 21, 2011 the Department, after receiving the Behavioral Review Forms shall review them in reference to Ch. DCF 56.11(2) & (3) to establish whether any modification to the supplemental portion of the adoption assistance agreement shall be made under Ch. DCF 50.
2. For Adoption Agreement Amendments entered into on or after February 21, 2011 the Department, after receiving the Behavioral Review Forms from the applicant for an amendment, shall review them in reference to Ch. DCF 56.23 (2) (a) 1. a. to e to establish whether any modification to the supplemental portion of the adoption assistance agreement shall be made under Ch. DCF 50.

SUBSIDIZED GUARDIANSHIP

XII. SUPPLEMENTAL RATE FOR SUBSIDIZED GUARDIANSHIP PAYMENT

For subsidized guardianship payments received through an agreement under s. 48.623 Wis. Stats., that were entered into prior to August 1, 2011, the supplemental payments shall be determined on the schedule-of-difficulty of care listed in DCF 56.11(3).

For subsidized guardianship payments received through an agreement under s. 48.623 Wis. Stats., entered into on or after August 1, 2011, the child has needs in the areas listed in s. DCF 56.23 (2) (a) 1. a. to e. in the rate schedule under s. DCF 56.23 (2) (a) as determined through the use of the Child and Adolescent Needs and Strengths tool.

XII. A. Child's Identified Needs

The agency with "placement and care responsibility" for a child for whom a subsidized guardianship payment is being made shall determine a child's identified needs through the use of the CANS tool. Before administering the CANS tool the person who administers the tool shall first do all of the following:

1. Review the case record.
2. Interview or collect information from an individual who has interviewed the child, child's family, proposed guardian or other out-of-home care provider, and the child's team or treatment team.
3. Review information gathered in collaboration with the child's team or treatment team.

An individual performing the assessment shall be trained and certified in the use of the department's standardized assessment tool. The assessment requires a certified CANS user to complete a CANS assessment of the information obtained about the child. (See Appendix A for the CANS tool and glossary) Re-certification to complete the assessment process must be completed on an annual basis.

The agency shall use the CANS assessment to determine whether or not a child qualifies for a supplemental rate payment. There must be identified needs, rated a '2' or '3', that shall be used to calculate this portion of the supplemental payment.

See Appendix E for which items in the CANS tool are specifically used to calculate the child's assessed needs for the Supplemental Rate for a subsidized guardianship payment under the agreement / amendment for a child whose original agreement is entered into on or after August 1, 2011.

In using the CANS tool, the assessor must:

- Determine if the child exhibits characteristics described as a 2 or 3 in **one or more** of the following domains: trauma; life functioning; school; acculturation; behavioral /emotional needs; or risk behaviors.
- Determine the appropriate level within each applicable domain. The three levels are: basic; moderate; and intensive. In order for a rating to be above basic, characteristics exhibited must be inappropriate for what is deemed developmentally age appropriate for a child who is of a similar age.

- Determine ratings for each item within the domains listed in the “Point Distribution Table” below.
- Assign points only once for each item in each domain (e.g., points cannot be given at both the “moderate” and “intensive” level for any one item within a domain).
- Calculate the child’s identified needs Supplemental Points based on adding the items rated a 2 or 3 on the domains listed in the “Point Distribution Table.” The sum is then multiplied by \$8.00 to determine the child’s portion of the Supplemental payment.

	<u>Basic</u>	<u>Moderate</u>	<u>Intensive</u>	Total Items Rated 0-5 years	Total Items Rated 5 – 17 years
CANS RATING	0-1	2	3		
CANS DOMAIN					
Trauma	0-1	2	3	5	5
Life Domain Functioning	0-1	2	3	28	31
School	0-1	2	3	7	4
Behavioral/Emotional	0-1	2	3	7	11
Risk Behaviors	0-1	2	3	6	18
TOTAL				53	69
Maximum Points				159	207

XII. B. Subsidized Guardianship Payments under an Agreement Amendments

3. For amendments to Subsidized Guardianship Agreements entered into prior to August 1, 2011 the Department, after receiving the Behavioral Review Forms specified in Ch. DCF 55 Subsidized Guardianship Admin. Code, shall review them in reference to Ch. DCF 56.11(2) & (3) to establish whether any modification to the supplemental portion of the subsidized guardianship payment under the agreement shall be made.
4. For amendments to Subsidized Guardianship Agreements payments that were entered into on or after August 1, 2011 the Department or county agency, after receiving the Behavioral Review Forms specified in Ch. DCF 55 Subsidized Guardianship Admin. Code, from the applicant for an amendment, shall review them in reference to Ch. DCF 56.23 (2) (a) 1. a. to e to establish whether any modification to the supplemental portion of the subsidized guardianship payment under the agreement shall be made.

XIII. Monitoring and Compliance

All placing, licensing, and supervising agencies are required to comply with the requirements set forth in Ch. DCF 56.23 Admin. Rule and the Uniform Foster Care Rate Setting policy as required in ch. 48.62(4) and 48.62(8) (c) Wis. Stats.

Changes were made to the Administrative Code and the Uniform Foster Care Rate Setting policy in 2011 that included:

1. Supplemental Points calculation based on the CANS;
2. Adding two categories to the Exceptional Payment: Transportation to School of Origin and to promote the placement together of Minor Parents with their Minor Child or Siblings;
3. Removed the ability of private Child Placing Agencies to establish maintenance rates without adhering to the Uniform Foster Care Rate Setting policy.

Licensing Agencies shall no longer participate in:

1. Recruitment efforts that set forth specific dollar amount foster parents may expect to receive for each child placed with them.
2. Standardized cost calculations or contracts for child maintenance payments for placements with their foster parents; rather each child placement shall be based on that foster parent and that child.
3. Specific rate demands with the threat of “notice to remove the child.”

Protocol for Concerns

The Bureau of Permanence and Out-of-Home Care has developed the following protocol when concerns are raised to the Bureau and agencies involved cannot come to resolution or feel that state law or policy are not being adhered to:

1. The Bureau staff will review the situation with the requesting party to see if the state law or policy is being adhered to.
 - a. In this review the Bureau will ask what efforts were made by the requesting agency to remedy the situation with the other agency / foster parent.
 - b. The Bureau will then contact the other agency to understand their side of the situation.
 - c. Response:
 - i. If it is concluded that the county agency is not in compliance with state law or policy the central office staff will work with the Bureau of Regional Operations (BRO) to:
 - Incident 1: Provided targeted technical assistance.
 - Incident 2: If concerns continue to persist, then BRO will request a corrective action plan from the county agency.
 - Incident 3: If concerns continue to persist, then DSP will consider fiscal with holdings.

- ii. If any of the above mentioned behaviors are identified as actions of a Child Placing Agency (CPA), the bureau staff will refer the situation to Child Welfare Licensing Staff for enforcement.
 - Incident 1: written letter to cease actions not in compliance.
 - Incident 2: citation and the CPA will no longer be able to accept new placements until a “Plan of Correction” is filed and accepted by DCF.
 - Incident 3: citation and possible revocation process.
 - Note: Financial penalties and the Right to Appeal may apply as allowed by state statute and administrative rule.
- iii. If the Division finds a foster parent is threatening “notice to remove the child” based on rate setting alone, the Division will request the foster care licensing agency to:
 - Incident 1: provide a verbal warning to the foster parent of the requirement to comply with Ch. DCF 56.05(1) (b), Ch. DCF 56.23 admin. Rule and the Uniform Foster Care Rate setting policy and discuss with foster parents how rates are established. If there is a concern on reliance of foster care maintenance to support the foster parent, then this shall include the prohibition on reliance on the foster care maintenance payments to support their own financial needs. Evaluate the appropriateness of continuing a foster care license.
 - Incident 2: provide a written notice of violations to Ch. DCF 56.05(1) (b) and Ch. DCF 56.23. Enact a corrective action plan and evaluate the appropriateness of continuing a foster care license.
 - Incident 3: Place the home on hold, enact a corrective action plan and evaluate the appropriateness of continuing a foster care license.
 - Note: If a licensing action is taken against the foster parent they shall be provided the right to appeal as required in Ch. DCF 56 Administrative Rule.